



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,083	06/25/2003	John Gibney	206-001	4271
30332	7590	10/28/2005	EXAMINER	
JENNIFER MEREDITH MEREDITH & KEYHANI, PLLC 330 MADISON AVE. 6TH FLOOR NEW YORK, NY 10017			MANAF, ABDUL	
ART UNIT		PAPER NUMBER		3635
DATE MAILED: 10/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/606,083	GIBNEY, JOHN	
	Examiner Abdul Manaf	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 June 2003.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-45 is/are rejected.  
 7) Claim(s) 6,15,23,32 and 41 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Specification***

The disclosure is objected to because of the following informalities: Specification having typographical error "front side 13," "numeral 38" (paragraph: 019), "adhesive strip 40," (paragraph: 020), "connecting end 20" (paragraph: 021) does not match with the figures illustrated in the drawings submitted by the applicant. Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 1 – 4, 8 –10, 12 – 14, 17, 18, 20 – 22, 25, 26, 28 – 31, 34, 35, 37 – 40, 43 and 45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 6, 11 and 25 - 27 of copending Application No. 10,772,953.**

**Claims 5 – 7, 11, 15, 16, 19, 23, 24, 27, 32, 33, 36, 41, 42 and 44 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 6, 11 and 25 - 27 of copending Application No. 10,772,953 in view of the U.S. Patent No. 2,587,985 to Elmendorf.**

**This is a provisional obviousness-type double patenting rejection.**

Regarding claim 1, Application No. 10,772,953 claims a protective device comprising a protective-sheet, a plurality of strips (claim 1) in a parallel fashion (claim 6).

Regarding claim 2, Application No. 10,772,953 claims an adhesive applied (claim 1).

Regarding claim 3, Application No. 10,772,953 claims a strip free portion or flap portion between a protective-sheet end and strips' end (claim 1). However, '953 do not claim the flap portion being 1 inch to 6 inches from the sheet end. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 4, Application No. 10,772,953 claims strips having a length between 6 inches and eight feet (claim 5), slightly less than the width of the protecting-sheet in order to have a flap portion (claim 1).

Regarding claim 5, Application No. 10,772,953 claims a protective-sheet comprising four opposing edges (claim 1). However, '953 do not claim the sheet being 1 foot to eight feet long. Elmendorf discloses a paper having any required length (column 6, lines: 12-14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 in order to have an appropriate length required by the design.

Regarding claim 6, Application No. 10,772,953 claims a protective-sheet made from a material (claim 1). However, '953 do not claim the material type. Elmendorf discloses reinforced paper (column 1, lines: 20-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using reinforced paper in order to reduce cost.

Regarding claim 7, Application No. 10,772,953 claims strips made from a material (claim 1). However, '953 do not claim the material type. Elmendorf discloses strips made of flexible wood (column 5, lines: 43-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using flexible wood in order to absorb impact energy.

Regarding claim 8, Application No. 10,772,953 claims adhesive strips to attach with protective-sheet (claim 11).

Regarding claim 9, Application No. 10,772,953 claims a protective-sheet supplied in rolls (claim 25).

Regarding claim 10, Application No. 10,772,953 claims strips having a thickness of 1/16 to 1 inch (claim 3).

Regarding claim 11, Application No. 10,772,953 claims a distance between strips (claim 1). However, '953 do not claim the distance being even. Elmendorf discloses evenly spaced strips (Figs. 1, 2). It would have been an obvious design choice to have a distance from one to four inches between the strips in order to save strip material.

Regarding claim 12, Application No. 10,772,953 claims a protective device comprising a protective-sheet, adhesive at end, a plurality of strips (claim 1) in a parallel fashion (claim 6). The '953 claim a strip free portion or flap portion between a protective-sheet end and strips' end (claim 1). However, '953 do not claim the flap portion being 1 inch to 6 inches from the sheet end. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 13, Application No. 10,772,953 claims strips having a length of about 6 inches to 8 feet (claim 5).

Regarding claim 14, Application No. 10,772,953 claims strips having a length between 1/2 foot and eight feet (claim 5), slightly less than the width of the protecting-sheet in order to have a flap portion (claim 1).

Regarding claim 15, Application No. 10,772,953 claims a protective-sheet made from a material (claim 1). However, '953 do not claim the material type. Elmendorf

discloses reinforced paper (column 1, lines: 20-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using reinforced paper in order to reduce cost.

Regarding claim 16, Application No. 10,772,953 claims strips made from a material (claim 1). However, '953 does not claim the material type. Elmendorf discloses strips made of flexible wood (column 5, lines: 43-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using flexible wood in order to absorb impact energy.

Regarding claim 17, Application No. 10,772,953 claims adhesive strips to attach with protective-sheet (claim 11).

Regarding claim 18, Application No. 10,772,953 claims a protective-sheet supplied in rolls (claim 25).

Regarding claim 19, Application No. 10,772,953 claims a distance between strips (claim 1). However, '953 does not claim the distance being even. Elmendorf discloses evenly spaced strips (Figs. 1, 2). It would have been an obvious design choice to have a distance from one to four inches between the strips in order to save strip material.

Regarding claim 20, Application No. 10,772,953 claims strips having a thickness of 1/16 to 1 inch (claim 3).

Regarding claim 21, Application No. 10,772,953 claims a protective device comprising a protective-sheet, adhesive at end, a plurality of strips (claim 1) in a parallel fashion (claim 6). The '935 claims strips having a length of about 6 inches to 8 feet (claim 5), a thickness of 1/16 to 1 inch (claim 3) and a width of 1/2 to 24 inches (claim

4). Application No. 10,772,953 claims a strip free portion or flap portion between a protective-sheet end and strips' end (claim 1). However, '953 do not claim the flap portion being 1 inch to 6 inches from the sheet end; and it does not claim strips width 1/16 to 3 inches. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 22, Application No. 10,772,953 claims strips having a length between  $\frac{1}{2}$  foot and eight feet (claim 5), slightly less than the width of the protecting-sheet in order to have a flap portion (claim 1).

Regarding claim 23, Application No. 10,772,953 claims a protective-sheet made from a material (claim 1). However, '953 do not claim the material type. Elmendorf discloses reinforced paper (column 1, lines: 20-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using reinforced paper in order to reduce cost.

Regarding claim 24, Application No. 10,772,953 claims strips made from a material (claim 1). However, '953 does not claim the material type. Elmendorf discloses strips made of flexible wood (column 5, lines: 43-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using flexible wood in order to absorb impact energy.

Regarding claim 25, Application No. 10,772,953 claims adhesive strips to attach with protective-sheet (claim 11).

Regarding claim 26, Application No. 10,772,953 claims a protective-sheet supplied in rolls (claim 25).

Regarding claim 27, Application No. 10,772,953 claims a distance between strips (claim 1). However, '953 does not claim the distance being even. Elmendorf discloses evenly spaced strips (Figs. 1, 2). It would have been an obvious design choice to have a distance from one to four inches between the strips in order to save strip material.

Regarding claim 28, Application No. 10,772,953 claims strips having a thickness of 1/16 to 1 inch (claim 3).

Regarding claim 29, Application No. 10,772,953 claims a protective device comprising a protective-sheet, adhesive at connecting end (flap), a plurality of strips (claim 1) in a parallel fashion (claim 6). The '935 claims strips having a length of about 6 inches to 8 feet (claim 5), a thickness of 1/16 to 1 inch (claim 3) and a width of 1/2 to 24 inches (claim 4). The '953 claim a strip free portion or flap portion between a protective-sheet end and strips' end (claim 1). However, '953 does not claim the flap portion being 1 inch to 6 inches from both of the sheet ends; and it does not claim strips width 1/16 to 3 inches. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 30, Application No. 10,772,953 claims strips having a length of about 6 inches to 8 feet (claim 5).

Regarding claim 31, Application No. 10,772,953 claims strips having a length between  $\frac{1}{2}$  foot and eight feet (claim 5), slightly less than the width of the protecting-sheet in order to have a flap portion (claim 1).

Regarding claim 32, Application No. 10,772,953 claims a protective-sheet made from a material (claim 1). However, '953 do not claim the material type. Elmendorf discloses reinforced paper (column 1, lines: 20-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using reinforced paper in order to reduce cost.

Regarding claim 33, Application No. 10,772,953 claims strips made from a material (claim 1). However, '953 do not claim the material type. Elmendorf discloses strips made of flexible wood (column 5, lines: 43-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using flexible wood in order to absorb impact energy.

Regarding claim 34, Application No. 10,772,953 claims adhesive strips to attach with protective-sheet (claim 11).

Regarding claim 35, Application No. 10,772,953 claims a protective-sheet supplied in rolls (claim 25).

Regarding claim 36, Application No. 10,772,953 claims a distance between strips (claim 1). However, '953 does not claim the distance being even. Elmendorf discloses evenly spaced strips (Figs. 1, 2). It would have been an obvious design choice to have a distance from one to four inches between the strips in order to save strip material.

Regarding claim 37, Application No. 10,772,953 claims strips having a thickness of 1/16 to 1 inch (claim 3).

Regarding claim 38, Application No. 10,772,953 claims a method of manufacturing a protective device comprising a protective-sheet, adhesive at end, a plurality of strips (claims 26, 27) in a parallel fashion (claim 6). The '953 claim a strip free portion or flap portion between a protective-sheet end and strips' end (claim 1). However, '953 do not claim the flap portion being 1 inch from the sheet end. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 39, Application No. 10,772,953 claims a method of providing a protective-sheet in rolls (claim 25).

Regarding claim 40, Application No. 10,772,953 claims a method of providing strips having a length between  $\frac{1}{2}$  foot and eight feet (claim 5), slightly less than the width of the protecting-sheet in order to have a flap portion (claim 26).

Regarding claim 41, Application No. 10,772,953 claims a method of providing protective-sheet made from a material (claim 26). However, '953 do not claim the material type. Elmendorf discloses reinforced paper (column 1, lines: 20-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using reinforced paper in order to reduce cost.

Regarding claim 42, Application No. 10,772,953 claims a method of providing strips made from a material (claim 26). However, '953 does not claim the material type. Elmendorf discloses strips made of flexible wood (column 5, lines: 43-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify '953 by using flexible wood in order to absorb impact energy.

Regarding claim 43, Application No. 10,772,953 claims a method of providing adhesive strips to attach with protective-sheet (claim 26).

Regarding claim 44, Application No. 10,772,953 claims a method of providing a distance between strips (claim 1). However, '953 does not claim the distance being even. Elmendorf discloses evenly spaced strips (Figs. 1, 2). It would have been an obvious design choice to have a distance from one to four inches between the strips in order to save strip material.

Regarding claim 45, Application No. 10,772,953 claims a method of providing strips having a thickness of 1/16 to 1 inch (claim 3).

***Claim Objections***

Claim 6, 15, 23, 32, 41 are objected to because of the following informalities: "reinforced paper" is repeated. Appear to be a typographical error. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 – 2, 4 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent No. 2,587,985 to Elmendorf.**

Regarding claim 1, Elmendorf discloses a flexible protection sheet comprising a paper backing (Fig. 6: 3; column 2, lines: 10-12) having a plurality of strips (Fig. 6: 4a) affixed to the sheet in a parallel fashion (Fig. 6). Paper backing inherently has a front-side, a backside, a connecting end and a finishing end; and the strip inherently comprises a first end and a second end.

Regarding claim 2, Elmendorf discloses adhesive applied to the paper-sheet (column 3, lines: 58-64).

Regarding claim 4, Elmendorf discloses a paper having any required width (column 6, lines: 12-14).

Regarding claim 5, Elmendorf discloses a paper having any required length (column 6, lines: 12-14).

Regarding claim 6, Elmendorf discloses craft paper (column 2, lines: 10-14).

Regarding claim 7, Elmendorf discloses strips made of flexible wood (column 5, lines: 43-47).

Regarding claim 8, Elmendorf discloses adhesive strips (column 4, lines: 24-26).

Regarding claim 9, Elmendorf discloses a flexible protecting device that is supplied in rolls (column 4, lines: 13-18). The device is inherently has a front side, a connecting end and a finishing end being visible when rolled.

Regarding claim 10, Elmendorf discloses strips having a thickness between 1/16 and one inch (column 2, lines: 38-40).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 11, 13 – 20, 22 – 28, 30 – 37, and 39 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent No. 2,587,985 to Elmendorf.**

Regarding claim 11, Elmendorf discloses evenly spaced strips (Fig. 6). However, Elmendorf does not disclose the distance between strips being from one to four inches. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 13, Elmendorf discloses a paper comprising continuous strips having any required length (column 2, lines: 26-30; column 6, lines: 12-14). Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 14, Elmendorf discloses a paper having any required width (column 6, lines: 12-14). Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 15, Elmendorf discloses craft paper (column 2, lines: 10-14).

Regarding claim 16, Elmendorf discloses strips made of flexible wood (column 5, lines: 43-46).

Regarding claim 17, Elmendorf discloses adhesive strips (column 4, lines: 24-26).

Regarding claim 18, Elmendorf discloses a flexible protecting device that is supplied in rolls (column 4, lines: 13-18). The device is inherently capable of having a connecting end and a finishing end being visible when rolled.

Regarding claim 19, Elmendorf discloses evenly spaced strips (Fig. 6). However, Elmendorf does not disclose the distance between strips being from one to four inches. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 20, Elmendorf discloses strips having a thickness between 1/16 and one inch (column 2, lines: 38-40).

Regarding claim 22, Elmendorf discloses a paper having any required width (column 6, lines: 12-14). Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 23, Elmendorf discloses craft paper (column 2, lines: 10-14).

Regarding claim 24, Elmendorf discloses strips made of flexible wood (column 5, lines: 43-46).

Regarding claim 25, Elmendorf discloses adhesive strips (column 4, lines: 24-26).

Regarding claim 26, Elmendorf discloses a flexible protecting device that is supplied in rolls (column 4, lines: 13-18). The device is inherently capable of having a connecting end and a finishing end being visible when rolled.

Regarding claim 27, Elmendorf discloses evenly spaced strips (Figs. 1, 2). However, Elmendorf does not disclose the distance between strips being from one to four inches. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 28, Elmendorf discloses strips having a thickness between 1/16 and one inch (column 2, lines: 38-40).

Regarding claim 30, Elmendorf discloses a paper comprising continuous strips having any required length (column 2, lines: 26-30; column 6, lines: 12-14). Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 31, Elmendorf discloses a paper having any required width (column 6, lines: 12-14). Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 32, Elmendorf discloses craft paper (column 2, lines: 10-14).

Regarding claim 33, Elmendorf discloses strips made of flexible wood (column 5, lines: 43-46).

Regarding claim 34, Elmendorf discloses adhesive strips (column 4, lines: 24-26).

Regarding claim 35, Elmendorf discloses a flexible protecting device that is supplied in rolls (column 4, lines: 13-18). The device is inherently capable of having a connecting end and a finishing end being visible when rolled.

Regarding claim 36, Elmendorf discloses evenly spaced strips (Figs. 1, 2). However, Elmendorf does not disclose the distance between strips being from one to four inches. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 37, Elmendorf discloses strips having a thickness between 1/16 and one inch (column 2, lines: 38-40).

Regarding claim 39, Elmendorf discloses a method of flexible protecting device that is supplied in rolls (column 4, lines: 13-18). The device is inherently capable of having a front side, a connecting end and a finishing end being visible when rolled.

Regarding claim 40, Elmendorf discloses a method of a paper having any required width (column 6, lines: 12-14). Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 41, Elmendorf discloses a method of having a craft paper (column 2, lines: 10-14).

Regarding claim 42, Elmendorf discloses a method of having strips made of flexible wood (column 5, lines: 43-47).

Regarding claim 43, Elmendorf discloses a method of attaching adhesive strips to paper backing (column 4, lines: 24-26).

Regarding claim 44, Elmendorf discloses a method of evenly spaced strips (Figs. 1, 2). However, Elmendorf does not disclose the distance between strips being from one to four inches. Applicant fails to show criticality for specifically claimed dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 45, Elmendorf discloses a method of strips having a thickness between 1/16 and one inch (column 2, lines: 38-40).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

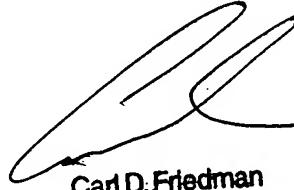
The cited patents listed on the included form PTO-892 further show the state of the art with respect to Construction Protection Device and Method of Manufacturing in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Manaf whose telephone number is (571) 272-1476. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

AM *A. M.*

10/10/2005



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600